



CITY COUNCIL MEETING MINUTES
February 25, 2025

DUE TO A RECORDING ISSUE, THERE IS NO AUDIO RECORDING OF THIS MEETING. MINUTES HAVE BEEN PRODUCED BASED ON SCRIVNER'S NOTES AND INFORMATION PROVIDED BY COUNCIL AND STAFF IN ATTENDANCE.

The scheduled meeting of the Ontario City Council was called to order by Mayor Deborah Folden at 6:00 p.m. on Tuesday, February 25, 2025, in the Council Chambers of City Hall. Council members present were Deborah Folden, Susann Mills, Ken Hart, John Kirby, Penny Bakefelt, and Michael Braden. Adrianna Contreras was excused.

Staff present were Dan Cummings, Laura Reyes, Clint Benson, Jason Cooper, Tatiana Burgess, Marshall Pierce, Al Haun, and Andy Wood.

AGENDA

This Agenda was posted February 21, 2025. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

HART moved, KIRBY seconded, **TO ADOPT THE AGENDA AS PRESENTED**. Roll call vote: Mills-yes; Braden-yes; Hart-yes; Contreras-out; Kirby-yes; Bakefelt-yes; Folden-yes. Motion carried 6/0/1.

CONSENT AGENDA

KIRBY moved, HART seconded, **TO ADOPT THE CONSENT AGENDA, AS AMENDED, WHICH CONSISTED OF APPROVAL OF THE CITY COUNCIL MEETING MINUTES OF FEBRUARY 11, 2025; AND A LIQUOR LICENSE CHANGE OF OWNERSHIP FOR BERT'S GROWLER GARAGE**. Roll call vote: Mills-yes; Braden-yes; Hart-yes; Contreras-out; Kirby-yes; Bakefelt-yes; Folden-yes. Motion carried 6/0/1.

NEW BUSINESS

Appointments to City Committee: Public Works

Dan Cummings, City Manager, presented.

With Council consensus, Mayor Folden appointed the following applicants: Public Works Committee: Gus Bezates and Brooks Warrington.

Appointments were effective immediately, and applicants would be notified of their appointment.

Resolution #2025-103: City of Ontario Safety Action Plan

Dan Cummings, City Manager, presented.

The City of Ontario received a grant from the Federal Highway Administration to prepare a Transportation Safety Action Plan for increasing overall safety on the city's streets. The goal of the plan was to reduce fatal and serious injury crashes by 50% by 2035 and 75% by 2045, with an ultimate goal of zero fatalities and serious injuries. The city contracted with the traffic engineering firms of Jacobs, Inc. and Kittelson and Associates, Inc., to prepare the Plan.



Staff and consultants held several Technical Advisory Committee meetings, as well as community outreach meetings and events over the past year. Presentations were also given to the Ontario Planning Commission and the Ontario City Council.

The Plan was now finalized and ready for Council approval.

HART moved, BAKEFELT seconded, **THAT THE CITY COUNCIL APPROVE RESOLUTION #2025-103, A RESOLUTION APPROVING THE CITY OF ONTARIO SAFETY ACTION PLAN AS ATTACHED.** Roll call vote: Mills-yes; Braden-yes; Hart-yes; Contreras-out; Kirby-yes; Bakefelt-yes; Folden-yes. Motion carried 6/0/1.

Ordinance #2835-2025: Amending OMC 2-8-4 re: Public Works Committee

Dan Cummings, City Manager, presented.

Over several years, the City Council has approved Ordinances #2457-2000, #2552-2004, #2605-2007, #2631-2009, and #2791-2021, creating and amending the Public Works Committee. By Council action, they approved reducing the number of committee members from 7 to 5 as per 2-8-2(C) to hopefully help in having a quorum at the meetings. Attendance was lacking as many committee members, generally working contractors, had a difficult time meeting during the day.

On February 18, 2025, the City Manager presented an option to the committee. The establishing ordinance could be amended to reflect that the committee, currently required to meet monthly, would only need to meet when the City Council, Public Works Director, or the City Manager wanted the committee to review items, followed by a recommendation on any Public Works issue or policy.

A motion was made by the Public Works Committee to have the City Manager submit an amendment to the City Council relating to OMC 2-8-4, Public Works, that the committee meet only as needed or requested by the City Council, City Manager, or Public Works Director, with at least one meeting in January each year to elect officers, per OMC 2-8-1. This motion was passed unanimously by the committee.

This proposed change would result in saving staff time, and hopefully alleviate the inability to conduct any committee business due to lack of quorum.

KIRBY moved, MILLS seconded, **IN ACCORDANCE WITH SECTION 2(2) OF THE CITY CHARTER, THAT THE CITY COUNCIL APPROVE ORDINANCE #2835-2025, AN ORDINANCE AMENDING TITLE 2, CHAPTER 8, SECTION 4, OF THE ONTARIO MUNICIPAL CODE AT A SINGLE MEETING BY TITLE ONLY.** Roll call vote: Mills-yes; Braden-yes; Hart-yes; Contreras-out; Kirby-yes; Bakefelt-yes; Folden-yes. Motion carried 6/0/1.

KIRBY moved, MILLS seconded, **IN ACCORDANCE WITH SECTION 2(2) OF THE CITY CHARTER, THAT THE CITY COUNCIL APPROVE ORDINANCE #2835-2025, AN ORDINANCE AMENDING TITLE 2, CHAPTER 8, SECTION 4, OF THE ONTARIO MUNICIPAL CODE AT A SINGLE MEETING BY TITLE ONLY.** Roll call vote: Mills-yes; Braden-yes; Hart-yes; Contreras-out; Kirby-yes; Bakefelt-yes; Folden-yes. Motion carried 6/0/1.

PUBLIC HEARING

Ordinance #2833-2025: Annexation of Tax Lot 400 on Assessor's Map 18S47E10AC and Rezoning from Urban Growth Area Commercial Zone to City General Commercial Zone

It being the date advertised for a public hearing on the matter of Ordinance #2833-2025, the Hearing was declared open. There were no objections to the city's jurisdiction to hear the action, no abstentions, no ex-parte contact stated, and no declarations of conflict of interest.

Tatiana Burgess, Planning Director, presented.

The subject parcel was 1.35 acres, more or less, and was the site of an old dwelling, as well as a few smaller structures in poor condition. The site faced SE 5th Avenue, and its right-of-way frontage had been improved as part of the city's sidewalk improvement program along SE 5th Avenue.



The applicant, Larry Kine of Thistle and Nest, a non-profit, and other property owners requested that Tax Lot 400 on Assessor's Map 18S47E10AC be annexed into the city and rezoned from Urban Growth Commercial Zone (UGB-C) to City General Commercial Zone (O-C-2).

Required notices were sent to adjoining landowners, Department of Land Conservation and Development, Malheur County, the Rural Road Assessment District #3, Warm Springs Irrigation District, and Ontario city departments, and published in the Argus Observer on January 29, 2025. The Planning Department received a letter from ODOT on January 31, 2025, stating ODOT had no comments to provide to be considered. No other comments or objections were received by the Planning Department. A Planning Commission hearing was held on February 10, 2025, and via a unanimous vote, it was recommended that the City Council approve this annexation.

The applicant intended to develop the site into a residential community, with at least 20 residential units. All development had to comply with applicable provisions of the OCC (City of Ontario Zoning Ordinance as set forth in the Ontario City Code), and the City of Ontario Comprehensive Plan. Generally, unless otherwise noted, if a request was found to be consistent with the Zoning Ordinance, it was considered to be consistent with the Comprehensive Plan and the planned development was an approved zoning under the comprehensive plan.

A. Rezone

1. Section 10B-20-30 REQUIRED FINDINGS, DECISION CRITERIA. In preparing findings to support a quasi-judicial zoning map amendment decision, the following findings shall be addressed except when alternatives are set forth or where a required finding clearly does not apply to the current action:

- a. The zoning map amendment is in conformance with statewide planning goals and guidelines.
- b. The zoning map amendment is in conformity with the acknowledged comprehensive plan.
- c. The applicant has demonstrated a mistake or error in the original zone designation, or the applicant has demonstrated a change in physical, social or market conditions generally affecting the area which make the proposed change appropriate.
- d. A public need is demonstrated for this zoning at this location and is not the granting of a special privilege or a single property or small group of properties.
- e. The property affected by the change is adequate in size and shape to facilitate its use and development as permitted under the new zoning classification.
- f. The property affected by the proposed change of zone is properly related to streets and public facilities and with services adequate to meet the demands of the uses allowed in the new zone.
- g. The proposed zoning map change will not result in adverse effects upon surrounding properties or surrounding uses from dust, noise, vibration, odor, heat, glare, lighting, or discharges into the air, water or land.

Findings:

1. Explain how the proposed zoning map amendment is in conformance with statewide planning goals and guidelines.

The City of Ontario, Malheur County, and the State of Oregon have all agreed upon the Comprehensive Plan and Map. Within that map, the proposed annexation will close the gap in the zoning map, and provide and eliminate an urban growth area, that is currently surrounded in its entirety by properties that had been previously annexed into the City. The applicant chose to retain the commercial zoning designation. If the proposed annexation is approved, the subject parcel will increase the City's available inventory of commercially zoned land, which doesn't only allow for commercial developments, but also permits multi-family residential developments.

2. Explain how the proposed zoning map amendment is in conformance with the Acknowledged Comprehensive Plan.

The property is within the City of Ontario UGA and the annexation and rezoning of the property is in compliance with the acknowledged Comprehensive Plan. The annexation will not render a change on allowed uses. The property zone will change from the Commercial zone within the Urban Growth Area, to the General Commercial Zone within the City limits. The principal permitted and conditional uses will remain the same.

3. As applicant, you must explain how there has been a mistake or error in the original zone designation or a change in physical, social or market conditions generally affecting the area, which makes this proposed zone change appropriate.

The applicant's requested zone change from a UGA Zone to a City Zone does not imply that there has been a mistake or an error in the original zone. In fact, this request for annexation and zone change only shows that the original zone designation of UGA zones was done with future thought of economic growth in mind. What has changed is the growth and development around the subject area. The proposed annexation will allow the applicant to connect the development into the City services, which will expand the City's infrastructure, available housing supply and overall livability.

4. As applicant, you must show a public need is demonstrated for this zoning at this location and is not the granting of a special privilege for a single property or small group of properties.

The public will benefit by annexing and re-zoning this parcel into the city limits through increased tax revenue, increased development and increased infrastructure. The rezoning of the UGA Commercial to City General Commercial, which matches the Comprehensive Plan, will allow for better use of the area, since the proposal is for a residential complex. The property adjoining to the south is the site of a multi-family residential complex as well, and the annexation will keep the proposal consistent with overall use of the area.

5. Explain how the property affected by the change, if approved, is adequate in size and shape to facilitate its use and development as permitted under the new zoning classification.

The minimum parcel size in the General Commercial (C-2) zone, once annexed in, is 3,000 sq. ft. The total proposed annexation area is 58,740, more or less. A residential development in a C-2 zone shall comply with the multi-family residential requirements, as outlined in Ontario Municipal Code 10A-29-07, which specifies that a minimum of 10 dwelling units is required. The annexation of the subject property will enable the applicant to meet these requirements as needed for a use consistent with the General Commercial zone.

6. Explain how the property affected by the proposed change of zone is properly related to streets and other public facilities and with services adequate to meet the demands of the uses allowed in the new zone. This shall explain how this proposal will not absorb a disproportionate share of public facilities, utilities and general assets.

The parcel far exceeds the minimum parcel size and will be able to be developed into large developments as planned for in the comprehensive plan. The surrounding infrastructure is capable of handling traffic and expansion of services, for the proposed residential development. As part of the UGA the property has been part of the City Transportation Master Plan, Water Master Plan, Waster Water Master Plan and the City Storm Water Master Plan and therefore has been approved to provide city services to this property.

The property has direct access to an existing right-of-way: SE 5th Ave. An email was received on 01/31/2025, from ODOT, expressing that the annexation and zone change would not constitute additional trip generation potential to significantly impact the transportation system, and therefore, ODOT had no additional comments versus the development.

7. Explain how the proposed change in zoning will not result in adverse effects upon surrounding properties or surrounding uses from dust, noise, vibration, odor, heat, glare, lighting, or discharges into the air, water or land.

The property is part of the city approved zoning and has been approved for the type of zoning once brought into the city limits and is in harmony with the surrounding developed property zoned accordingly and will not result in any adverse effects to the adjacent properties zoned the same. The principal permitted uses will remain the same, and consistent with the General Commercial zone.

Summary Conclusions: Based on the findings above: The City of Ontario Municipal Code implements policies contained in the City of Ontario Comprehensive Plan conform to the Statewide Planning Goals; generally, if a proposed rezone meets all criteria and standards contained in the OMC, the request will be consistent with Comprehensive Plan Policies and therefore conform to the Statewide Planning Goals. As this proposal meets the criteria in the above section, this proposal is consistent with Statewide Planning Goals. **CRITERION IS MET**

- a. Findings 2 above show that the request is within goals and conformance of the Acknowledged Comprehensive plan. Therefore, this proposal has demonstrated itself to be consistent with the Comprehensive Plan. **CRITERION IS MET**
- b. The information in finding 3 indicates that there has been no mistake, and the request is consistent with the Comprehensive Plan. Therefore, there is no mistake, and the request follows the comprehensive plan and approved zoning and demonstrates that this criterion is met. **CRITERION IS MET**
- c. As noted in finding 4, rezoning from the UGA zones to city zones would not be considered as the granting of a special privilege for a single property as it is providing for the same zoning as the comprehensive plan and is the same zoning of the lands adjacent to these properties. **CRITERION IS MET**
- d. As noted in findings 5, the subject property size is adequate to demonstrate consistency with this criterion. **CRITERION IS MET**
- e. As noted in finding 6 above, the property is properly related to streets and public facilities within the public streets and the existing uses and services demonstrate that uses allowed in the proposed zone are provided. **CRITERION IS MET**
- f. In finding 7 above, that while the impact on surrounding properties will be low, with the proposed change in zoning, compliance with present City of Ontario ordinances will be essential in eliminating these issues. The permitted uses will remain the same and be subject to change due to the annexation. **CRITERION IS MET**

Final Conclusion: **ALL CRITERIA ARE MET**

B. Annexation:

1. 10B-45-10 INITIATION OF ACTION. When a person, authorized by statute, wishes to extend the city's boundaries, an application on forms supplied by the city shall be filed with the Planning Director and which include: annexation consent forms, by the property owners, and by tenants if required by law or court decision; request for a change in zoning map designation, or plan change if required; request for other quasi-judicial action if required; fees, and other exhibits and requirements for a quasi-judicial action as set forth in this Title. All land use actions associated with the annexation shall be consolidated, as feasible, and one fee paid.

2. Oregon Revised Statute 222.125: Annexation by consent of all owners of land and majority of electors; proclamation of annexation. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the



territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.

Findings:

1. The applicant has paid the fees and provided the proper application with signatures.
2. The property is annexable because it lies inside the Urban Growth Boundary and is contiguous with the current city limits.
3. The property currently has three different UGA zones in the Urban Growth Area and the companion requested City zones are consistent with contiguous property.
4. Findings from preceding sections of this report are herein included by this reference. A change to the comprehensive plan map or text is not necessary to annex the property; however, the annexation of the property must be consistent with all applicable Comprehensive Plan Policies.
5. Annexation would benefit the city by increasing tax revenue, and by providing more potentially developable residential land.

Final Conclusion: All criteria and standards applicable to a request for annexation have been met. The property may be annexed.

SUMMARY CONCLUSIONS AND PLANNING COMMISSION DECISION

A request for annexation and rezoning of property was recommended for approval by the Planning Commission to the City Council. All applicable decision criteria and standards were found to be met, or able to be met through appropriate conditions of approval. In this case, findings were made by the Planning Commission that the specific criteria are either met or able to be met through conditions of approval; options and discussion are provided under "Findings:" and "Conclusion:" for each criterion. All the criteria and standards must be met in order for the request to be recommended for approval.

The Mayor thanked Ms. Burgess and asked if there were any questions for staff.

Councilor Mills asked Ms. Burgess where the water towers were in reference to this property.

Ms. Burgess stated the city-owned public facilities property was directly adjacent to the subject parcel and that the two properties shared a boundary line. The existence of the towers was discussed at length with both the applicant and City Manager, and the City Manager indicated there was a possibility of the towers being demolished in the near future. The applicant had no objection to the water towers being there.

The Mayor opened up the hearing for Public testimony. There being no Proponents or Opponents, the Mayor declared the Hearing closed, and asked the Council for any further discussion from the Council, or for a motion on the action.

MILLS moved, KIRBY seconded, THAT THE CITY COUNCIL APPROVE THE FINDING OF FACTS AND RECOMMENDATION OF THE PLANNING COMMISSION FOR THE ANNEXATION OF TAX LOT 400 ON MAP 18S47E10AC AND REZONING FROM UGA COMMERCIAL (UGA-C) TO CITY GENERAL COMMERCIAL ZONE (C-2) AS SET FORTH IN ACTION 2025-01-01AZ BASED ON THE INFORMATION, FINDINGS, AND CONCLUSIONS SET FORTH IN THIS REPORT. Roll call vote: Mills-yes; Braden-yes; Hart-yes; Contreras-out; Kirby-yes; Bakefelt-yes; Folden-yes. Motion carried 6/0/1.

KIRBY moved, MILLS seconded, IN ACCORDANCE WITH SECTION 8.2(2) OF THE CITY CHARTER, THAT THE CITY COUNCIL APPROVE ORDINANCE #2833-2025, AN ORDINANCE PROCLAIMING THE ANNEXATION OF TAX LOT 400 ON MAP 18S47E10AC AND REZONING FROM UGA COMMERCIAL (UGA-C) TO CITY GENERAL COMMERCIAL ZONE (C-2) AS SET FORTH IN ACTION 2025-01-01AZ, AT A SINGLE MEETING BY TITLE ONLY. Roll call vote: Mills-yes; Braden-yes; Hart-yes; Contreras-out; Kirby-yes; Bakefelt-yes; Folden-yes. Motion carried 6/0/1.

FOLDEN moved, KIRBY seconded, IN ACCORDANCE WITH SECTION 8.2(2) OF THE CITY CHARTER, THAT THE CITY COUNCIL APPROVE ORDINANCE #2833-2025 AN ORDINANCE PROCLAIMING THE ANNEXATION OF TAX LOT 400 ON MAP 18S47E10AC AND REZONING FROM UGA COMMERCIAL (UGA-C) TO CITY GENERAL COMMERCIAL ZONE (C-2) AS SET FORTH IN ACTION 2025-01-01AZ, AT A SINGLE MEETING BY TITLE ONLY. Roll call vote: Mills-yes; Braden-yes; Hart-yes; Contreras-out; Kirby-yes; Bakefelt-yes; Folden-yes. Motion carried 6/0/1.

DEPARTMENT HEAD UPDATE

Finance: Monthly Report

Kari Ott, Finance Director, was unable to attend due to the flooding. Any questions could be sent to Kari via email.

Public Works: Quarterly Report

Al Haun, Assistant Project Director, Jacobs, presented.

Councilor Kirby asked Mr. Haun to explain what a PDAC was.

Mr. Haun stated a PDAC was a Planning Design Advisory Committee meeting held prior to a development. It gave an opportunity for both the developer/builder and city staff to ask questions to assist in clarifying the requirements and standards for the project. The applicant would meet with Fire, Public Works, Building, Planning, and any other departments needed at one time. The PDAC meeting provided both information and direction before the project began.

DISCUSSION ITEMS

Discussion on Street Projects and Possible Fuel Tax

Councilor Hart stated he had done some math to see what would be feasible if a tax were to be proposed to the voters. If the city were to adopt a fuel tax, he would propose that the \$8 Public Safety Fee currently on every utility bill be removed. At \$8 a month, each bill was being taxed \$96 a year. If the city adopted a 6¢ a gallon fuel tax, taking an average car's mileage of 20mpg, the \$96 would pay, on average, for 64,000 miles worth of fuel purchases. He thought that that would be a benefit to the Ontario property owners, and that having a fuel tax could have all people fueling up in Ontario contribute to Ontario's tax revenue. He then calculated that if the \$8 public safety fee were to be removed, Ontario's revenue would decrease by around \$600K. However, potentially, the city could collect approximately \$1.2M, so there would be a net gain of about \$600K. He further stated if a fuel tax was being proposed, the city would have to have a robust informational campaign. He asked the City Manager to confirm that having this proposal on this May's ballot would be too late.

Councilor Hart stated that if the May 2025 ballot was not a possibility due to the current date, then the city could explore putting this question to the voters on the May 2026 ballot, which would give the city over a year to prepare, as well as have ample time to disperse the information to the voters.

Councilor Hart asked for confirmation from the City Manager that the city could no longer impose a sales tax.

Mr. Cummings stated that was correct at one time; however, that was no longer the case. The Council could, in fact, propose a sales tax again, if they wanted.



Mayor Folden reiterated that if a tax were to be proposed, it would go before the voters, and that the voters would have the final say-so. She wanted that to be on the record, that this would not be voted on by Council only.

Review Monthly/Quarterly/Annual Department Stats

Not discussed; moved to March 11, 2025, meeting.

Ontario Promise

Councilor Hart, a member of the Ontario Promise Committee, stated the committee was ready to disband and wanted to return the remaining funds to the City of Ontario. He would contact the state to begin the process of having the state return the unused funds.

HART moved, MILLS seconded, **THAT THE CITY STOP THE PROGRAM AND HAVE THE MONEY RETURNED TO THE GENERAL FUND TO BE DETERMINED IN THE NEXT BUDGET AND HAVE THE CITY MANAGER AND FINANCE DIRECTOR WORK WITH THE STATE IN GETTING THE FUNDS RETURNED.** Roll call vote: Mills-yes; Braden-yes; Hart-yes; Contreras-out; Kirby-yes; Bakefelt-yes; Folden-yes. Motion carried 6/0/1.

HAND-OUTS

Monthly Department Stats

Police and Code Enforcement

Minutes

County Court 02-05-2025, 02-12-2025; PWC 07-16-2024; DAC 05-15-2024, 09-18-2024, 11-20-2024, 12-18-2024

Check Register

January 2025

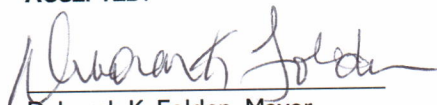
CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

* Dan Cummings read an email to the Council from Mike Padilla, Safety and Prevention Supervisor, Ontario School District: *Mr. Cummings, I write this e-mail with a great deal of gratitude for the fine leadership you have in your police department. As we continue to update our safety measures in our school district we are appreciative of the open communication, innovative ideas and overall support to assist from Chief Cooper and Lt. Swank. In the short time Chief Cooper has accepted his leadership role we have seen an increase in police presence, support and have again received an SRO in our school as a positive resource. I would like to thank you for making a great decision in appointing Chief Cooper as I see a great outcome for our community with his leadership.*

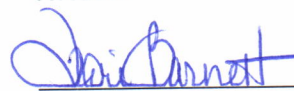
ADJOURN

BAKEFELT moved, MILLS seconded, **THAT THE MEETING BE ADJOURNED.** Roll call vote: Mills-yes; Braden-yes; Hart-yes; Contreras-out; Kirby-yes; Bakefelt-yes; Folden-yes. Motion carried 6/0/1.

ACCEPTED:


Deborah K. Folden, Mayor

ATTEST:


Tori Barnett, MMC, City Recorder

